

Wetlands Bureau Decision Report

Decisions Taken
04/19/2004 to 04/23/2004

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1997-00436 ROSS, ROBERT
LONDONDERRY Unnamed Wetland

APPROVE AMENDMENT:

Dredge and fill a total of 73,593 sq. ft. of palustrine forested/ scrub-shrub/ wet meadow wetlands in 17 areas (9 for roadway construction and 8 for commercial lot development) for the construction of a 2-lot commercial subdivision including retail facilities and appurtenant parking and drainage/ stormwater management structures on a 21.58 acre parcel.

Compensatory mitigation will be accomplished by constructing a total 98,087 sq. ft. of vegetated wetlands at 4 locations.

This amendment includes an additional 319 sq. ft. of wetlands impact necessary to provide for the widening of Gilcreast Road to include a turning lane.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier dated July 28, 2000 and 08-16-00, as received by the Department on Aug. 18, 2000.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval from DES Dam Safety Program.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau with the exception of that material utilized in the wetland mitigation areas.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Proper headwalls shall be installed.
12. Culvert outlets shall be properly rip rapped.
13. Work shall be done during low flow.

WETLAND MITIGATION:

1. This permit is contingent upon the creation of 98,087 sq. ft. of vegetated wetlands in accordance with the 'Compensatory Wetland Creation Plan'(sheets 21&22 of 23) prepared by Christopher K. Danforth/ Schauer Environmental Consultants, LLC dated 08-16-00, received by the Department on Aug. 18, 2000.
2. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
3. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
4. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
5. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures

may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

7. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

8. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

9. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

10. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

12. Activities in contravention of the approved 'Compensatory Wetland Creation Plan' shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Rule Wt 303.02(c).
2. This project meets the requirements for avoidance and minimization of impacts to wetlands as set forth in Rule Wt 302.03.
3. The applicant has demonstrated compliance with the requirements for application evaluation set forth in Rule Wt 302.04.
4. This project is designed to eliminate the need for any further impact to wetlands for access or lot development.
5. The access location to this lot has been determined by a previous decision by the town.
6. The intent of the mitigation is to replace water quality functions and wildlife habitat.
7. An increase in development off site has increased runoff requiring stabilization and modification to an existing ditch.
8. The 73,274 sq. ft. area of impacts to wetlands will be compensated for with 98,087 sq. ft. of constructed wetlands mitigation area.
9. Nine of the impact areas are wetlands due to previous activities.
10. One area will impact 5,800 sq. ft. of undisturbed forested wetland for for a detention pond dam.

Permit Amendment 29 January 2002:

11. The requested additional wetlands impact of 319 sq. ft. is minimal and is necessary due to the Town of Londonderry's requirement for a turn lane on the northerly side of Gilcreast Road.

Requested Action:

Request Name Change to:

Londonderry Vickerry Realty, LLC

c/o The MEG Companies

Buttrick Place

25 Orchard View Drive

Londonderry, NH 03053

Attn: Edward C. Gordon

APPROVE NAME CHANGE:

Approve Name Change to:
Londonderry Vickerry Realty, LLC
c/o The MEG Companies
Buttrick Place
25 Orchard View Drive
Londonderry, NH 03053
Attn: Edward C. Gordon

Requested Action:
Request Time Extension of permit to February 21, 2006.

APPROVE TIME EXTENSION:

Approve Time Extension of permit to February 21, 2006 due to extenuating circumstances and transfer of ownership of site and changes to permit prior to start of construction activities.

2001-00142 STONE, CINDY & DONALD
DOVER Piscataqua River

-Send to Governor and Executive Council-

2003-00975 UNH & PORTS COMM FISH COOP, C/O MICHAEL CHAMBERS
PORTSMOUTH Atlantic Ocean

Requested Action:

Maintain two existing 600 cubic meter fish cages, originally permitted under DES Wetlands Permit #1999-308; retain after-the-fact a third fish cage measuring 3,000 cubic meters in volume; and install/construct a fourth fish cage, also 3,000 cubic meters in volume. The two 600 cubic meter cages measure approximately 9 meters in height and 15 meters in diameter, while the two 3,000 cubic meter cages measure approximately 15 meters in height and 31 meters in diameter. The four cage system will be secured by 12 anchors measuring 1.6 square meters each, for a total of 19.2 square meters with associated lines, cables, rope connectors, and buoys. The four cage system will be stocked with Halibut (*Hippoglossus hippoglossus*), Haddock (*Melanogrammus aeglefinus*), and Cod (*Gadus morhua*) for an open ocean demonstration area for environmentally sound finfish culture located at approximately the 50 m bathymetric contour in the Gulf of Maine in the Atlantic Ocean, approximately 1 nautical mile south of White Island of the Isles of Shoals in accordance with plans received on May 15, 2003.

APPROVE AFTER THE FACT:

Maintain two existing 600 cubic meter fish cages, originally permitted under DES Wetlands Permit #1999-308; retain after-the-fact a third fish cage measuring 3,000 cubic meters in volume; and install/construct a fourth fish cage, also 3,000 cubic meters in volume. The two 600 cubic meter cages measure approximately 9 meters in height and 15 meters in diameter, while the two 3,000 cubic meter cages measure approximately 15 meters in height and 31 meters in diameter. The four cage system will be secured by 12 anchors measuring 1.6 square meters each, for a total of 19.2 square meters with associated lines, cables, rope connectors, and buoys. The four cage system will be stocked with Halibut (*Hippoglossus hippoglossus*), Haddock (*Melanogrammus aeglefinus*), and Cod (*Gadus morhua*) for an open ocean demonstration area for environmentally sound finfish culture located at approximately the 50 m bathymetric contour in the Gulf of Maine in the Atlantic Ocean, approximately 1 nautical mile south of White Island of the Isles of Shoals in accordance with plans received on May 15, 2003.

With Conditions:

1. Modifications to the permitted structures shall require an amended permit approved by the DES Wetlands Bureau prior to construction.
2. Finfish cages shall not interfere with breeding, pupping, or sensitive aggregation area of any federally listed marine mammals (Marine Mammal Protection Act of 1972, as amended 16 USC Sec 1372).

3. No live finfish of any species at any stage of development post hatching whose source is outside of the North American continent shall be introduced or transported to marine waters within the State of New Hampshire.
4. Only antibiotic chemicals approved by the US Food and Drug Administration shall be applied. All applications must comply with 21 CFR 529, 556, 558. Prophylactic use of antibiotics is prohibited.
5. There shall be no discharge of pollutants from the facility other than fish excrement, ammonia excretions, unconsumed fish food and medications approved by the US FDA.
6. All mortalities (dead fish), feed bags, fish food fines and other waste materials excluding fish excrement and secretions and unconsumed food, shall be removed daily to shore (or as soon as practical based on weather or safety conditions) and disposed of properly.
7. The applicant must report to the DES Wetlands Bureau and the National Marine Fisheries Service, within 48 hours of detection, any incidental take or entanglement of marine mammals allowed under the 1988 amendment to the Marine Mammal Protection Act of 1972, as amended 16 USC Sec 1372; or other marine mammal entanglements or kills.
8. The applicant must report any bird entanglements or kills to the DES Wetlands Bureau and the U.S. Fish and Wildlife Service within 48 hours of detection.
9. The aquaculture facility shall be open for inspection by DES Wetlands Bureau personnel, or their designee, during working hours. In addition, the permittee shall make records available upon request to the DES Wetlands Bureau.
10. The permittee shall submit a monitoring report to the DES Wetlands Bureau within the first week of every month for the duration of the permit or the length of the project. The monitoring report shall include documentation of the status of the project; conflicts with normal fishing, recreational and commercial boating activity; and identification of water quality, entanglement and navigational problems. The report shall also include details on equipment failures and any proposed changes to the approved structure.
11. If, based on review of environmental monitoring data, degradation of environmental resources, to include Federal and State water quality standards, is indicated, the DES Wetlands Bureau may modify, suspend or revoke the permit.
12. Boundary markers around the aquaculture facility shall be placed and maintained in accordance with appropriate Coast Guard Regulations. The permittee shall notify the appropriate Coast Guard office upon deployment of the buoys and fish cages.
13. Perimeter buoys shall conform to the Coast Guard special purpose navigation buoy standards.
14. Except in surface areas physically occupied by fish cage structures, the permittee shall permit normal and/or recreational and commercial boating activity to occur in the project area.

With Findings:

1. This is deemed a major impact project per Rule Wt 303.02(a), projects in tidal waters.
2. The first component of this project, two 600 cubic meter fish cages, was approved under NHDES Wetlands Permit #2003-308 as a minimum impact project based on its experimental and educational nature. The conversion of this project to a long-term and near-commercial operation now constitutes a major impact project.
3. The project component requiring after-the-fact approval, the third fish cage, which measures 3,000 cubic meters in volume would have been approvable if properly applied for prior to installation.
4. The four cage system will be maintained within the Applicant's current 30-acre lease site.
5. The applicant has provided documentation that this is the least impacting practicable alternative per Rule Wt 302.03.
6. The applicant will be monitoring the project area to determine the environmental impacts of this project.
7. Monitoring reports will be submitted to the DES Wetlands Bureau on a monthly basis and will identify any modifications that should be made to the project to reduce the environmental impact or address any unforeseen problems that arise.
8. Modifications to the permitted structures will require an amended permit approved by the DES Wetlands Bureau prior to construction.
9. The applicant has demonstrated that the information gained as a result of this experiment will benefit a large amount of the general public.

2003-02677 PDNED BEDFORD, LLC, C/O PACKARD DEVELOPMENT
BEDFORD Merrimack River

Requested Action:

Dredge and fill a total of 88,005 sq. ft. (2.02 acres) of palustrine forested/scrub-shrub/emergent/wet meadow wetlands for work associated with the development of a retail shopping center consisting of four buildings totaling 302,000 sq. ft. of floor space, an

auxiliary fire station for the Town of Bedford and appurtenant parking, stormwater management/drainage structures and landscaping on a 30.54 acre parcel of land.

Compensatory mitigation for wetlands impacts will be provided as a 22 acre conservation easement to be held by the Bedford Land Trust.

Conservation Commission/Staff Comments:

"At the [Bedford] Conservation Commission meeting on January 2, 2004, the Commission voted to support the application ..."

APPROVE PERMIT:

Dredge and fill a total of 88,005 sq. ft. (2.02 acres) of palustrine forested/scrub-shrub/emergent/wet meadow wetlands for work associated with the development of a retail shopping center consisting of four buildings totaling 302,000 sq. ft. of floor space, an auxiliary fire station for the Town of Bedford and appurtenant parking, stormwater management/drainage structures and landscaping on a 30.54 acre parcel of land.

Compensatory mitigation for wetlands impacts will be provided as a 22 acre conservation easement to be held by the Bedford Land Trust.

With Conditions:

1. All work shall be in accordance with plans by Rizzo Associates dated 10/31/03, as received by the Department on December 02, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

LAND RESOURCES PRESERVATION:

1. This permit is contingent upon the execution of a conservation easement on 22.0 acres to be held by the Bedford Land Trust (grantee) as depicted on plans received April 16, 2004.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The permittee shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the Bedford Land Trust, as grantee, prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their

location prior to construction.

7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Field inspection of the proposed conservation easement parcel by DES staff on April 8, 2004 noted several areas in which domestic trash, waste and assorted debris and refuse have been deposited. These materials are to be removed from the site in their entirety and disposed of in an appropriate solid waste facility.
9. The permittee shall provide the Bedford Land Trust with adequate funding to monitor the site for assessment of wetland/wildlife functions and values as well as to properly manage the easement area for passive recreation and to assure the site is maintained free of human activities deleterious to the spirit and intent of the conservation easement for a minimum period of five (5) years.
10. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), to dredge and fill a total of 88,005 sq. ft. (2.02 acres) of palustrine forested/scrub-shrub/emergent/wet meadow wetlands for work associated with the development of a retail shopping center.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 8, 2004. Field inspection determined the proposed mitigation/conservation easement adequately compensates for loss of wetlands functions and values attributable to the project proposal.
6. The public hearing is waived with the finding, based on field inspection by DES Wetlands Bureau staff, that the project impacts will not significantly impair the resources of wetland ecosystems in the environs.

2004-00396 BOWE, RICHARD & KAREN NEMETH
TUFTONBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 16 ft 2 in x 23 ft crib supported concrete dock and replace with a 8 ft x 25 ft dock supported by (2) 5 ft x 6 ft cribs, expand an existing 16 ft 2 in x 20 ft 4 in boathouse 140 sq ft landward for a total dimension of 16 ft 2 in x 29 ft, excavate 305 sq ft of bank to construct a 20 ft x 18 ft perched beach, utilizing 20 cu yds of sand, surrounded by 46 linear ft of stone wall, with 4 ft wide stairs accessing the beach and the water, dredge 20 sq ft of lakebed and remove 0.7 cu yds of material for beach access, and repair an existing 8 ft x 11 ft 9 in full crib wharf in-kind on an average of 100 ft of frontage on Chase Point, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Permanently remove an existing 16 ft 2 in x 23 ft crib supported concrete dock and replace with a 8 ft x 25 ft dock supported by (2) 5 ft x 6 ft cribs, expand an existing 16 ft 2 in x 20 ft 4 in boathouse 140 sq ft landward for a total dimension of 16 ft 2 in x 29 ft, excavate 305 sq ft of bank to construct a 20 ft x 18 ft perched beach, utilizing 20 cu yds of sand, surrounded by 46 linear ft of stone wall, with 4 ft wide stairs accessing the beach and the water, dredge 20 sq ft of lakebed and remove 0.7 cu yds of material for beach access, and repair an existing 8 ft x 11 ft 9 in full crib wharf in-kind on an average of 100 ft of frontage on Chase Point, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc., as received by the Department on March 10, 2004.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
 3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
 5. The boathouse shall be a single-story structure; ridgeline not to exceed 13 ft in height (Elev. 517.2) above normal high water (Elev. 504.32).
 6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
 7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
 8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
 9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
 10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
 11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
 12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
 13. Repair shall maintain existing size, location and configuration.
 14. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
 15. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
 16. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 483-B (see attached fact sheet).
17. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
 18. The steps installed for access to the water shall be located completely landward of the normal high water line.
 19. No more than 20 cu yds of sand may be used and all sand shall be located above the normal high water line.
 20. This permit shall be used only once, and does not allow for annual beach replenishment.
 21. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
 22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
 23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing 4-slip nonconforming docking structure including a boathouse.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 6, 2004. Field inspection determined that the proposed

project will make the existing docking structure more conforming.

6. The proposed modifications will result in an 87 sq ft reduction of construction surface area over public submerged lands and therefore meets the requirements of rule Wt 402.22, Modification of Existing Structures.

MINOR IMPACT PROJECT

1999-01738 NORMAN-BURKE, ANN
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to relocate the three piling ice cluster to the end of the 40 ft dock.

APPROVE AMENDMENT:

Drive 2 tie off pilings and one 3 piling cluster, construct two 6 ft x 40 ft piling piers connected by a 6 ft x 11 ft 11 in walkway accessed by a 4 ft x 72 ft stairway on an average of 151 feet of frontage in Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans revised by Ann Norman Burke, dated July 18, 2002, as received by the Department on July 18, 2002 and amendment request plans dated April 19, 2004 as received by the Department on April 19, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Pilings shall be spaced 12 feet apart as measured center to center.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor project per Rule Wt 303.03(d), construction of a 3 slip permanent pier.
2. The applicant has an average of 151 feet of frontage on Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per Rule Wt 101.07, Boatslip, and therefore in within the requirements of Rule Wt 402.14.
5. The proposed dock site experiences sufficient wind and wave activity to justify the construction of a piling pier.
6. The applicant has submitted dated water depths supporting the need for the extra length.

2003-01060 MORGAN RYAN REALTY TRUST
DOVER Jackson Brook

Requested Action:

Fill a total of 4,999 square feet of wetlands at three locations, inclusive of two road crossings and a 16-foot wide shared driveway within a previously approved 18-lot single-family residence subdivision.

APPROVE RECONSIDERATION:

Fill a total of 4,999 square feet of wetlands at three locations, inclusive of two road crossings and a 16-foot wide shared driveway within a previously approved 18-lot single-family residence subdivision.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated September 10, 2002, with revisions dated October 2, 2003, as received by the Department on October 6, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
10. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. There shall be no further alteration of wetlands for lot development or septic setback.

With Findings:

1. On May 30, 2003, DES received application #2003-1060 from Jones & Beach Engineers, Inc. on behalf of the applicant, Morgan Ryan Realty Trust, requesting to fill a total of 5,629 square feet of wetlands at three locations, inclusive of two road crossings and a 16-foot wide shared driveway within a previously approved 18-lot single-family residence subdivision on Dover Tax Map B / Lot 18 ("the property").
2. The proposal to fill 5,269 square feet of wetlands is a minor project per 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
3. On September 18, 2003, DES denied application #2003-1060 based on the following:
 - a. Per Wt. 302.03 and Wt 302.04(a)(2), the applicant must provide evidence that demonstrates the proposed alternative encompasses the least adverse impact to the area and environment under the DES Wetlands Bureau's jurisdiction;
 - b. Per Wt 304.04 (a), the DES shall limit the location of a project to at least 20 feet from an abutting property line unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests;
 - c. Per Administrative Rule Wt. 304.16, DES shall waive any of the criteria of Administrative Rule Wt. 300 provided that the alternative will not result in an increased environmental impact relative to the abutting property owners;
 - d. The request to waive abutter concurrences per Administrative Rule Wt. 304.16 is not approvable because the wetland impacts proposed for this property have the potential to increase the degree of the existing poor drainage conditions on the abutting properties; and
 - e. Subdivision design alternatives exist for the property that would lessen the degree of potential environmental impacts on the abutting properties as a result of the proposed project.
4. On October 6, 2003, the applicant requested reconsideration of the Department's decision.
5. The applicant asserts that Wt 304.04(a) does not apply to the project, as it proposes to impact inland, nontidal wetlands.
6. DES finds that Wt 304.04(a) does apply as the wetlands to be impacted are subject to the Department's jurisdiction, and therefore it is within the scope of the Department to impose the 20-foot setback requirement.
7. Plans submitted with the request for reconsideration on October 6, 2003 contain revisions that propose improvements to drainage conditions within 20 feet of affected abutters by increasing the size of the culverts and redirecting storm water into a closed drainage system and farther away from the abutting properties.
8. Per Wt 304.16, DES waives the requirement of Wt 304.04(a) based upon the changes made to improve drainage conditions within 20 feet of the affected abutters.

9. DES finds that the proposed revisions constitute drainage improvements, and should not result in an increased environmental impact to the abutters within 20 feet of the property.
10. As a result of the plan revisions, the amount of proposed wetland area to be impacted was reduced from 5,629 square feet to 4,999 square feet.
11. DES Site Specific Permit #WPS-6743 was issued on April 6, 2004.
12. Per Wt 302.03 and 302.04(a)(2), the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to the area and environment under the Department's jurisdiction.

2003-01798 COTE, JOHN & SYLVIA
MANCHESTER Merrimack River

Requested Action:

Request amendment to construct a set of granite steps instead of the replacement wooden stairway.

Conservation Commission/Staff Comments:

The Manchester Conservation Commission has visited the site, reviewed the application and "... has no objections to permitting the proposed work."

APPROVE AMENDMENT:

Approve amendment to construct a set of granite steps instead of the replacement wooden stairway.

Permit to read: Construct 1,319 sq. ft. of stone rip-rap erosion protection along 100 linear feet of riverbank to stabilize a highly eroded slope which currently jeopardizes the integrity of the adjacent home foundation, replace and reconfigure a deteriorated wooden stairway with a set of granite steps, including a 10 sq. ft. enlargement to a concrete landing to access an existing dock, located on 143.5 feet of shoreline frontage on the Merrimack River.

With Conditions:

1. All work shall be in accordance with plans by TFMoran, Inc. dated July 12, 2003, as received by the Department on August 14, 2003.
- 1a. Amendment to construct granite steps to be in accordance with plan revisions dated 3/24/04 as received by the Department on April 02, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Work shall be performed in the dry, during draw down/ low flow conditions of the Merrimack River to be coordinated with the PSNH fall release period at the Amoskeag Dam in Manchester.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), placement of rip-rap erosion protection along 100 linear feet of shoreline on the Merrimack River.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-02551 JACOBS, CHARLES &C
TUFTONBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing permanent "T" shaped docking structure and construct a seasonal crank up dock consisting of a 6 ft by 13 ft seasonal walkway and a 6 ft by 25 ft seasonal wharf in a "T" shaped configuration, excavate 320 sqft in the bank to construct a 180 sqft perched beach with 6 cy of sand with a 6 ft wide access stairs in the bank to access the waterbody in Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

No comments by Con Com by 12/31/03

APPROVE PERMIT:

Permanently remove an existing permanent "T" shaped docking structure and construct a seasonal crank up dock consisting of a 6 ft by 13 ft seasonal walkway and a 6 ft by 25 ft seasonal wharf in a "T" shaped configuration, excavate 320 sqft in the bank to construct a 180 sqft perched beach with 6 cy of sand with a 6 ft wide access stairs in the bank to access the waterbody in Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with beach plans by Watermark Marine dated October 25, 2003, as received by the Department on January 23, 2003 and dock plans by Watermark Marine dated April 1, 2004, as received by the Department on April 5, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. No work is authorized to the existing 38 ft x 38 ft dug in boathouse.
7. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. The seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 19 feet from the shoreline at full lake elevation.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 6 cu yds of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).

2003-02709 MAKRIS, PETER
LACONIA Lake Winnepesaukee

Requested Action:

Replace 29 feet 11 inches of retaining wall, in-kind, and rip-rap an existing culvert outfall, as part of an overall project involving the

replacement of a retaining wall extending across the neighboring property to the west.

Conservation Commission/Staff Comments:

ConComm signed.

Extension of replacement of retaining wall permitted to neighbors (Fille 2003-2700).

More information requested with statement that if approved conditioning of permit will include "after the fact" application for beach replenishment and plans to move drainage pipe back.

APPROVE PERMIT:

Replace 29 feet 11 inches of retaining wall, in-kind, and rip-rap an existing culvert outfall, as part of an overall project involving the replacement of a retaining wall extending across the neighboring property to the west.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on April 23, 2004.
2. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Replacement "in kind" shall maintain existing size, location and configuration.
7. This permit is contingent on the filing of an "after-the-fact" standard dredge and fill application, by the property owner(s), with the DES to address the non-permitted sand replenishment of the beach on the property, TM Lot 173-248-1, and to describe plans to relocate the outfalls of an existing underdrain system to a point or points at least 10 feet back from the high-water mark and construct a drainage swale to recieve and direct flows from the drain system on the same property. The after the fact application shall submitted to the DES no later than June 1, 2004.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(j), repair or replacement of a retaining wall that requires work in the water.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00133 BROOK SHIRE LLC
WEARE Unnamed Wetland

Requested Action:

Dredge and fill 3,919 square feet of palustrine forested and riverine wetlands to provide access in a 31-Lot subdivision with approximately 76 acres of open space to be established

Conservation Commission/Staff Comments:

The Conservation Commission has no objections to the proposed project.

APPROVE PERMIT:

Dredge and fill 3,919 square feet of palustrine forested and riverine wetlands to provide access in a 31-Lot subdivision with approximately 76 acres of open space to be established

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated March 17, 2004, as received by the Department on March 26, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project will impact 3,919 sq ft of nontidal wetlands and is therefore a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00199 RALO ENTERPRISES LLC
LACONIA Lake Winnepesaukee

Requested Action:

Approve name change to primary owner: Ralo Enterprises LLC, 516 Steele Hill Rd., Sanbornton NH 03269 per request received 4/20/04.

Conservation Commission/Staff Comments:

The conservation would like to recommend: 1. Project timing allows for the installation of all temporary erosion controls; and 2.

Wetlands and wetland buffer be labeled prior to construction.

APPROVE NAME CHANGE:

Dredge and fill 748 square feet for access in the subdivision of 62.2 acres into 70 residential lots further described as follows: Temporarily impact 136 square feet for installation of a drain line from new stormwater detention basin; and permanently impact 612 square feet along 103 linear feet of intermittent stream channel installation of a 24-inch x 103 foot culvert for roadway construction.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates PC dated December 3, 2003, and as received by the Department on February 5, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done in dry conditions.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. All material removed during work activities shall be placed out of DES's jurisdiction.
14. Area of temporary impact shall be regraded to original contours following completion of work.
15. Mulch within the restoration area shall be straw.
16. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. Silt fencing must be removed once the area is stabilized.
21. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
22. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

Requested Action:

Dredge and fill a total of 9,300 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings to access a 14-building residential development on a 23.176 acre parcel of land of which 4.80 acres are to be conveyed to the Amherst Conservation Commission.

Conservation Commission/Staff Comments:

No comments received from the Amherst Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 9,300 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings to access a 14-building residential development on a 23.176 acre parcel of land of which 4.80 acres are to be conveyed to the Amherst Conservation Commission.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated February 20, 2004, as received by the Department on February 26, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), to dredge and fill a total of 9,300 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings to access a 14-unit residential development.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00360 JVL CONSTRUCTION INC
LONDONDERRY Unnamed Wetland

Requested Action:

Dredge and fill a total of 12,330 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossing and drainage structures to access an 8-lot residential subdivision on a 19 acre parcel of land.

Conservation Commission/Staff Comments:

The Londonderry Conservation Commission reports: "We have no reason to recommend against it [the application]." And further notes "... that this development is tied into the [163 acre] Bear Meadow wetland."

APPROVE PERMIT:

Dredge and fill a total of 12,330 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossing and drainage structures to access an 8-lot residential subdivision on a 19 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc., Inc. dated March 1, 2004, as received by the Department on March 04, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), to dredge and fill a total of 12,330 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossing and drainage structures to access an 8-lot residential subdivision on a 19 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00366

ROUGH DIAMOND DEVELOPMENT LLC, JOHN DUNN MGR

AMHERST Unnamed Wetland

Requested Action:

Dredge and fill a total of 6,500 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a 16 ft. wide gravel driveway with culvert crossings to access a maximum of two (2) residential building sites on a 9.95 acre parcel of land.

Conservation Commission/Staff Comments:

No report received from Amherst Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 6,500 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a 16 ft. wide gravel driveway with culvert crossings to access a maximum of two (2) residential building sites on a 9.95 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Richard P. Drew, LLC dated December 31, 2004 [sic], as received by the Department on March 05, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

2004-00367 PENNICHUCK WATER WORKS, INC.
NASHUA Supply Pond

Requested Action:

Dredge and fill a total of 2,310 sq. ft. in NH DES Wetlands jurisdiction for work associated with repairs to Supply Pond Dam as mandated by the NH DES Dam Safety Program including abatement of dam seepage, reconstruction of the spillway and rip-rap armoring of the downstream causeway to protect the existing 42 in. dia. water supply pipe.

Conservation Commission/Staff Comments:

The Merrimack Conservation Commission has "... no objections or concerns with the project ..."

The Nashua Conservation Commission recommends approval of the project.

APPROVE PERMIT:

Dredge and fill a total of 2,310 sq. ft. in NH DES Wetlands jurisdiction for work associated with repairs to Supply Pond Dam as mandated by the NH DES Dam Safety Program including abatement of dam seepage, reconstruction of the spillway and rip-rap armoring of the downstream causeway to protect the existing 42 in. dia. water supply pipe.

With Conditions:

1. All work shall be in accordance with plans by The H.L. Turner Group, Inc. dated December 2003, as received by the Department on March 05, 2004.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Unconfined work within the pond and Pennichuck Brook, exclusive of work associated with installation of a cofferdam, shall be done during drawdown of Supply Pond.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Work shall be done during drawdown.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(c): Dredge and fill a total of 2,310 sq. ft. in NH DES Wetlands jurisdiction for work associated with repairs to Supply Pond Dam as mandated by the NH DES Dam Safety Program.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

**2004-00565 LEVASSEUR REVOC TRUST, DONALD
BEDFORD Unnamed Wetland**

Requested Action:

Dredge and fill 3,987 sq. ft. of shrub-scrub wetlands to relocate existing cul-de-sac for extension of a commercial park roadway.

Conservation Commission/Staff Comments:

Did not report.

Inspection Date: 04/19/2004 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill 3,987 sq. ft. of shrub-scrub wetlands to relocate existing cul-de-sac for extension of a commercial park roadway.

With Conditions:

1. All work shall be in accordance with plans by True Engineering dated March 1, 2004, as received by the Department on April 5, 2004.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Construction personnel shall be made aware of the potential occurrence of the Eastern Hognose Snake (*Heterodon platirhinos*), and how to identify it. If a hognose snake is encountered, the Nongame and Endangered Wildlife Program at NH Fish and Game Department shall be contacted immediately at (603) 271-3016.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03 (h), alteration of less than 20,000 sq. ft. of non-tidal wetlands which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 4/19/04. Field inspection found no evidence of the state-threatened eastern hognose snake (*heterodon platirhinos*). Last documented sighting was in 1985 on the west (opposite) side of Rt. I-93 from the project site.

MINIMUM IMPACT PROJECT

**2004-00248 MANNARINO, EDWARD
CARROLL Unnamed Pond**

Requested Action:

Dredge and fill 100 square feet for the replacement of an existing 18-inch culvert with a 36 inch culvert.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 100 square feet for the replacement of an existing 18-inch culvert with a 36 inch culvert.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction dated February 11, 2004, as received by the Department on February 17, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be conducted during low water conditions
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.03 or Wt 303.02 and Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent noontide stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided drainage calculations which illustrate that a 36-inch culvert is appropriately sized for this crossing location.
6. The abutter tax map 207, lot 29 (Francis), has concerns about the increase in the culvert size will increase the flow onto his property.
7. The appropriately sized culvert will only correct the prior situation which decreased the flow and increased the velocity of the flow onto the abutting property tax map 207, lot 29.
8. The length of the culvert will not change with this application.

2004-00337 88 AIRPORT DRIVE LLC
ROCHESTER Unnamed Wetland

Requested Action:

Fill approximately 1,300 square feet of forested and emergent wetlands to provide access to two parking lots and a storage area, and fill approximately 625 square feet of forested and scrub-shrub wetlands to construct sidewalks and a wooden footbridge on a 10.84-acre industrial lot.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated March 6, 2004 the Rochester Conservation Commission recommended approval of the application.

APPROVE PERMIT:

Fill approximately 1,300 square feet of forested and emergent wetlands to provide access to two parking lots and a storage area, and fill approximately 625 square feet of forested and scrub-shrub wetlands to construct sidewalks and a wooden footbridge on a 10.84-acre industrial lot.

With Conditions:

1. All work shall be in accordance with the following plans by Norway Plains Associates, Inc.:
 - a) The Wetlands Impact Plan (Sheet W1) dated December 2003 and revised April 16, 2004, as received by the Department on April 19, 2004; and
 - b) The Construction Details (Sheet C4) and the Drainage, Erosion and Sedimentation Control Details (Sheet C5) dated December 2003, as received by the Department on March 3, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Rochester Conservation Commission of the date project construction is proposed to begin.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The wooden footbridge shall be elevated such that no area under the bridge shall be completely shaded from the sun, and the bridge decking shall be of slatted construction to allow for circulation of air and water, and to allow for penetration of light.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet within forested and wet meadow wetlands.
2. In a letter to the DES Wetlands Bureau dated March 6, 2004 the Rochester Conservation Commission recommended approval of the application.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2004-00362 69 NORTH ROAD LLC, PAUL & KAREN TRABUCCO
KINGSTON Unnamed Wetland

Requested Action:

Fill approximately 2,760 square feet of forested wetlands to construct a driveway and install two 18-inch diameter culverts to provide access to a single lot of a 4-lot residential subdivision on approximately 19.4 acres.

Conservation Commission/Staff Comments:

No comments received from the Kingston Conservation Commission.

APPROVE PERMIT:

Fill approximately 2,760 square feet of forested wetlands to construct a driveway and install two 18-inch diameter culverts to provide access to a single lot of a 4-lot residential subdivision on approximately 19.4 acres.

With Conditions:

1. All work shall be in accordance with the Topography & Soils Subdivision Plan by Landry Surveying, LLC dated November 2003, as received by the Department on March 4, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Kingston Conservation Commission of the date project construction is proposed to begin.
7. Work shall be conducted during low flow conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet in forested wetlands.
2. The applicant has sufficiently demonstrated that constructing a shared driveway on proposed Lot 9C to access proposed Lot 9D would violate the Town of Kingston's Driveway Permit Regulations.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to

areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

2004-00371 MILFORD, TOWN OF
MILFORD Souhegan River

Requested Action:

Impact a total of 2,925 sq. ft. within the embankments of the Souhegan River for work associated with the construction of a prefabricated steel truss pedestrian bridge, including cast-in-place concrete abutment footings and wingwalls, ADA compliant access structures and the installation of stone rip-rap slope stabilization.

Conservation Commission/Staff Comments:

The Milford Conservation Commission recommends approval of the application.

APPROVE PERMIT:

Impact a total of 2,925 sq. ft. within the embankments of the Souhegan River for work associated with the construction of a prefabricated steel truss pedestrian bridge, including cast-in-place concrete abutment footings and wingwalls, ADA compliant access structures and the installation of stone rip-rap slope stabilization.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated Jan., 2004, as received by the Department on March 08, 2004.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. Concerns raised by the Souhegan River Local Advisory Committee as to the clearance of the bridge over the river to allow the safe passage of small watercraft, the engineer supplied the following:

Clearance @ channel edge over Q10 = 3.62 feet

Clearance @ midspan over Q10 = 5.33 feet

Enough clearance for safe passage of a small watercraft such as a canoe.

2004-00505 NH DEPT OF TRANSPORTATION
HAMPSTEAD Unnamed Wetland

Requested Action:

Widening turning lanes and install signal lights impacting 2,259 sq. ft. of emergent wetland (957 sq. ft. temporary).

APPROVE PERMIT:

Widening turning lanes and install signal lights impacting 2,259 sq. ft. of emergent wetland (957 sq. ft. temporary). NHDOT project #13462.

With Conditions:

1. All work shall be in accordance with plans by Chas. H. Sells, Inc. dated Feb 04, as received by the Department on March 29, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
13. The impacts associated with the temporary work shall be restored immediately following construction.

2004-00616 HOWARD, DEAN
WOLFEBORO Lakecreascent

Requested Action:

Install a 6 foot x 30 foot seasonal dock on an average of 158.66 feet of shoreline frontage on Crescent Lake.

Conservation Commission/Staff Comments:

No ConComm signature.

APPROVE PERMIT:

Install a 6 foot x 30 foot seasonal dock on an average of 158.66 feet of shoreline frontage on Crescent Lake.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction of Wolfeboro Inc. dated 2-27-04, as received by the Department on April 13, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier with no more than two slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2004-00631 LEWIS WARREN
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map 9, Lot# 1

2004-00638 MONK, BRADFORD
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord tax map 104, Lot# 1

2004-00654 TUDOR, PAUL
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 211, Lot# 2, 14, 15, 16, 17, 34 & 36

EXPEDITED MINIMUM

2003-02635 DS NOBLE REALTY LLC
WEARE Unnamed Wetland

Requested Action:
Dredge and Fill 910 square feet of forested wetland to install two culverts for a roadway to a 17-lot subdivision on 72.31 acres.

Conservation Commission/Staff Comments:

Weare Conservation Commission signed the application

APPROVE PERMIT:

Dredge and Fill 910 square feet of forested wetland to install two culverts for a roadway to a 17-lot subdivision on 72.31 acres.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano Jr., Land Surveyor, dated October 2003 and revised March 11, 2004, as received by the Department on April 2, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be done during low flow.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 13 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00164 JOHNSON, C WILLIAM
MILTON Unnamed Wetland

Requested Action:

Dredge and fill 1,016 square feet of forested wetland to install 2 culverts to provide access to 1 lot of a 5-Lot subdivision.

Conservation Commission/Staff Comments:

Milton Conservation Commission signed the application.

APPROVE PERMIT:

Dredge and fill 1,016 square feet of forested wetland to install 2 culverts to provide access to 1 lot of a 5-Lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by HEB Engineers dated September 2, 2003 revised November 24, 2003, as received by the Department on April 5, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00191 COLDWELL, PETER & ELIZABETH SPENCER
LACONIA Unnamed Wetland

Requested Action:

Install one 12-inch by 20 foot culvert impacting 1660 sq. ft. of palustrine forested wetland for access in the subdivision of 25.2 acres into two single family lots.

Conservation Commission/Staff Comments:

Laconia Conservation Commission signed the application

APPROVE PERMIT:

Install one 12-inch by 20 foot culvert impacting 1660 sq. ft. of palustrine forested wetland for access in the subdivision of 25.2 acres into two single family lots.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated February 2, 2004, as received by the Department on February 9, 2004 and Subdivision plans by David M Dolan Associates, P.C. dated January 26, 2004 as received by the Department February 9, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on lot 2 of this subdivision.
4. The deed which accompanies the sales transaction for lot 2 in this subdivision shall contain condition #3 of this approval.

5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Work shall be done during low flow.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of jurisdictional wetlands are less than 3,000 sq. ft.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant provided evidence that they have contacted the abutters for written agreement with the wetland impacts per Wt 304.04(a). The abutter Guyer (Tax Map 35, lot 8) responded stating they do not intend to sign a letter of consent for the project. The abutter Parsons (Tax Map 35, lot 7) has not responded to the certified letter requesting permission.
5. The existing access Right-of-Way is only 50 feet across and proposed driveway is located in the middle of this right-of way, maximizing distances to the upstream and downstream abutting property lines.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. DES conducted a site inspection of the property on October 18, 2003. Site inspection determined the alternate area off of the existing driveway crossing would cross a perennial stream and a greater amount of forested wetland. It also found that the area of proposed impact is a forested wetland with a small intermittent stream channel.
8. The applicant has met all of the requirements of Wt 304.16 and based on findings 1-7 the Department waives rule Wt 304.04(a).

2004-00266

GERMANO, JOSEPH

BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill 1,925 square feet of forested wetland to install a 18-inch by 25 foot culvert for driveway construction to gain access to a single family building lot on a 1.2 acre parcel of land.

Conservation Commission/Staff Comments:

Bedford Conservation Commission signed the Expedited Application

APPROVE PERMIT:

Dredge and fill 1,925 square feet of forested wetland to install a 18-inch by 25 foot culvert for driveway construction to gain access to a single family building lot on a 1.2 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Bernard Lynch dated December 2003, as received by the Department on March 22, 2004.
application and further permitting by the Bureau.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during low flow.
4. No fill shall be done for lot development.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00283 BEAMAN, GARY
WINCHESTER Drainage Ditch

Requested Action:

Replace an existing culvert and install a second culvert impacting 1,020 square feet of jurisdictional drainage channels (approximately 40 linear feet) to provide access to a proposed racetrack along the Ashuelot River, Winchester.

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application.

Initial project description requests access to open fields; plan proposes development of a race track.

The ARLAC recognizes the need for culvert installation and replacement, though strongly recommends the need for stabilization of exposed soils and proper installation and maintenance of sediment and erosion controls on site.

APPROVE PERMIT:

Replace an existing culvert and install a second culvert impacting 1,020 square feet of jurisdictional drainage channels (approximately 40 linear feet) to provide access to a proposed racetrack along the Ashuelot River, Winchester.

With Conditions:

1. All work shall be in accordance with plans by TFMoran Inc. dated December 15, 2003, as received by the Department on February 23, 2004 and construction and operation letter dated March 29, 2004 as received by the Department on March 29, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.

3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. The applicant shall notify the DES Wetlands Bureau, the Winchester Conservation Commission and the Ashuelot River Local Advisory Committee in writing of the intent to commence construction no less than 5 business days prior to construction.
5. The shoreland buffer area shall be surveyed and marked by monuments [stakes or signage] prior to construction and maintained along the river frontage.
6. There shall be no removal of the existing vegetative undergrowth within the shoreland buffer area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and the Ashuelot River.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
18. Activities in contravention of the Comprehensive Shoreland Protection Act, RSA 483-B shall be construed as a violation, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project will upgrade an existing culvert crossing and construct a new 40 foot stream crossing and is therefore a minimum impact project per Administrative Rule Wt 303.04(n), for alteration of or disturbance of less than 50 linear feet of an intermittent nontidal stream channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined the project as designed will have a minimal impact on the environment.

2004-00309 WELDON, DANIEL
EPSOM Unnamed Wetland

Requested Action:

Dredge and fill a total of 2,848 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway to access a 40-lot residential subdivision on a 122.95 acre parcel of land of which 43 acres are designated open space.

Conservation Commission/Staff Comments:

Epsom Conservation Commission signed the application.

APPROVE PERMIT:

Dredge and fill a total of 2,848 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway to access a 40-lot residential subdivision on a 122.95 acre parcel of land of which 43 acres are designated open space.

With Conditions:

1. All work shall be in accordance with the overview plan prepared by Robert G. Rook, P.E., Consulting Engineer, dated 11/11/03, as received by the Department on February 26, 2004 and subdivision plan by Joseph M. Wickert, L.L.S., Inc. Dated November 19, 2003 as received by the Department on April 06, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be done during low flow.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 13 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of impact to jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Replace/repair an existing 1 foot 9 inch X 34 foot 8 inch pile supported permanent dock, a 5 foot 6 inch X 50 foot crib supported permanent dock and a 53' breakwater in kind on 102 ft of frontage on Locke Island.

Conservation Commission/Staff Comments:

Signed by ConComm.

APPROVE PERMIT:

Replace/repair an existing 1 foot 9 inch X 34 foot 8 inch pile supported permanent dock, a 5 foot 6 inch X 50 foot crib supported permanent dock and a 53' breakwater in kind on 102 ft of frontage on Locke Island.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design, as received by the Department on March 22, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
5. Repair shall maintain existing size, location and configuration.
6. This permit does not allow for maintenance dredging.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair and replacement in-kind of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Repair and replacement in-kind of the docking structure will not result in any adverse impacts to sensitive species as listed in the New Hampshire Natural Heritage Inventory.

2004-00491 DRED - DIV OF FOREST & LANDS
JAFFREY Gilson Pond

Requested Action:

Replace Gilson Pond Dam #124.10 impacting 9,500 square feet of lacustrine and riverine wetlands, (includes 4,325 square feet of

temporary impacts). Work to include a temporary access road and cofferdam installation.

Conservation Commission/Staff Comments:

Jeffery Conservation Commission sign the Expedited Application

APPROVE PERMIT:

Replace Gilson Pond Dam #124.10 impacting 9,500 square feet of lacustrine and riverine wetlands, (includes 4,325 square feet of temporary impacts). Work to include a temporary access road and cofferdam installation.

With Conditions:

1. All work shall be in accordance with plans by Jimmy M. Leung, NHDES, Dam Bureau dated January 29, 2004, as received by the Department on March 25, 2004.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Repair shall maintain existing size, location and configuration.
5. Work on the dam structure shall be conducted during drawdown.
6. Work shall be done during low flow.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), replacement of a dam with no change in location, configuration, construction type, or dimensions.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00529 ANDERSON, PAUL
MEREDITH Lake Winnepesaukee

Requested Action:

Replace an existing grandfathered 4 foot x 30 foot piling pier accessed by a 5 foot x 4 foot walkway in-kind on 21 feet of frontage in Meredith Bay.

Conservation Commission/Staff Comments:

ConComm signed.

APPROVE PERMIT:

Replace an existing grandfathered 4 foot x 30 foot piling pier accessed by a 5 foot x 4 foot walkway in-kind on 21 feet of frontage in Meredith Bay.

With Conditions:

1. All work shall be in accordance with plans by Degrace Design dated 3/19/04, as received by the Department on March 30, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. This permit does not allow for maintenance dredging.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair and replacement in-kind of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00615 HAMPTON RIVER MARINA, LLC
HAMPTON Tidal Buffer

Requested Action:

Impact 1,488 square feet of developed upland tidal buffer zone for the construction of two temporary buildings inclusive of a 24 ft x 32 ft bath house and a 20 ft x 36 ft repair building.

APPROVE PERMIT:

Impact 1,488 square feet of developed upland tidal buffer zone for the construction of two temporary buildings inclusive of a 24 ft x 32 ft bath house and a 20 ft x 36 ft repair building.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineering, Inc. dated Januray 27, 2004, with revisions dated February 25, 2004, as received by the Department on April 21, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Natural Heritage Bureau has identified one natural community of special concern within the project area, Gulf of Maine Salt Marsh.
6. DES finds that the Gulf of Maine Salt Marsh will not be impacted as a result of this project, as both of the temporary buildings will be constructed within the developed upland tidal buffer zone.

GOLD DREDGE

2004-00656 BARROWS JR., BERDET
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
Bath ConCom

2004-00657 MULLER JR, JEFFERY
(ALL TOWNS) Unnamed Stream

2004-00690 HOLMES, THOMAS
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
Bath ConCom

TRAILS NOTIFICATION

2004-00632 ENFIELD VILLAGE ASSOCIATION
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Enfield Tax Map 31, Lot# 19

PERMIT BY NOTIFICATION

2004-00317 WCV INC, PHIL SEROWIK
FARMINGTON Unnamed Wetland

Requested Action:
PBN #1, 1,340 sq. ft. of impact to forested wetlands.

Conservation Commission/Staff Comments:
Farmington Conservation Commission did not sign the PBN

PBN IS COMPLETE:
PBN #1, 1,340 sq. ft. of impact to forested wetlands.